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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/708,832	03/26/2004	Blayn W. Beenau	60655.9500	2831
20322	7590	11/27/2006	EXAMINER ZIMMERMAN, BRIAN A	
SNELL & WILMER 400 EAST VAN BUREN ONE ARIZONA CENTER PHOENIX, AZ 85004-2202			ART UNIT 2612	PAPER NUMBER

DATE MAILED: 11/27/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/708,832

Applicant(s)

BEENAU ET AL.

Examiner

Brian A. Zimmerman

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-46 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 1-46 is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on ____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. ____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892) ✓
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO/SB/08) ✓
Paper No(s)/Mail Date ____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. ____
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: ____

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Claim Rejections - 35 USC § 112

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

1. Claims 7,27,28,31-33 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Claim 7 recites the limitation "remote database" in line 2. There is insufficient antecedent basis for this limitation in the claim.

Claims 27,28,31-33 recite the limitation "the step of proffering an auditory emissions scan...". There is insufficient antecedent basis for this limitation in these claims.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this

Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in - (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for the purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language; or

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2. Claims 1,2,4-8,11-18,21-28,32-37,39,40,42,44-46 are rejected under 35 U.S.C. 102(e) as being anticipated by Terranova (2002/0014952).

Terranova shows a transponder transaction system that includes a transponder 66 that communicates with a reader 52. The reader is connected to a financial network to perform a financial transaction. Terranova also uses a secondary authentication process that requires the user to voice-identify themselves. A voiceprint is stored in the transponder (paragraph 159) or other database. This requires an audible input mechanism/sensor (microphone 258 or camera 262) see paragraph 160. The verification and authorization of the transponder user is then used (along with the transponder) to authorize a financial transaction. In order for the comparison to take place, the system must temporarily store the voice sample to compare it with the stored voiceprint. Each person would have their own transponder and their own associated voiceprint.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

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3. Claims 3,9,30,38 and 43 are rejected under 35 U.S.C. 103(a) as being unpatentable over Terranova as applied to claims 1,22,28,34 and 42 above, and further in view of Adcock (5835894).

In an analogous art, Adcock teaches a voice verification system where M samples are compared for verification and the frequency of the samples is determined using FFT. See col. 3 lines 18-42. Therefore, it would have been obvious to one of ordinary skill in the art to have used a finite number of frequency samples (as taught by Adcock) to perform the voice authentication desired by Terranova.

4. Claims 10,31 and 41 are rejected under 35 U.S.C. 103(a) as being unpatentable over Terranova as applied to claims 1,22 and 34 above, and further in view of Sharma (6480825).

In an analogous art, Sharma teaches a voice recognition system where a noise filter is used to remove any 60-cycle hum. Col. 7 lines 9-10. This reduces noise from any electronic device that uses utility power. Therefore, it would have been obvious to one of ordinary skill in the art to have used a noise filter to remove the 60-cycle hum in the Terranova system since it would reduce errors in the voice analysis.

5. Claim 19 is rejected under 35 U.S.C. 103(a) as being unpatentable over Terranova as applied to claim 1 above, and further in view of Itsumi (5559504).

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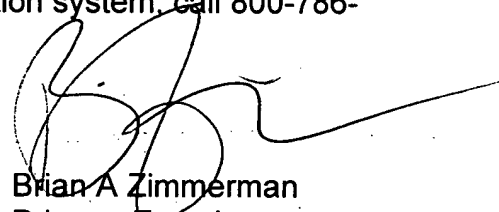
In an analogous art, Itsumi teaches a biometric input device. When a biometric sample is detected, a notification is give to the user. This satisfies the user that the system is working. See col. 18 lines 39-44 and figure 35. Therefore, it would have been obvious to one of ordinary skill in the art to have used a notification in Terranova, to indicate to the user that the sample has been detected, since this would satisfies the user that the system is working.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Brian A. Zimmerman whose telephone number is 571-272-3059. The examiner can normally be reached on 7 am to 4 pm E.S.T.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Wendy Garber can be reached on 571-272-7308. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.



Brian A. Zimmerman
Primary Examiner
Art Unit 2612

BZ